

BARRE, 1982

Park



United States Department of the Interior

NATIONAL PARK SERVICE

REDWOOD NATIONAL PARK

1111 SECOND STREET

CRESCENT CITY, CALIFORNIA 95531

IN REPLY REFER TO:

N16

xL1425 Zuber

July 30, 1982

*HAS ESTUARY
POP-U*

Ms. Roseanne Zuber, esq.
Risling & Zuber
Attorneys at Law
1105 Seventh Street
Eureka, California 95501

Dear Ms. Zuber:

Thank you for the July 16, 1982 letter expressing your views about Redwood National Park's efforts to manage the embayment at the mouth of Redwood Creek. Before responding to your allegations I will review recent plans by the park for a systematic approach leading to the anticipated restoration of a naturally functioning Redwood Creek embayment. A consequence of this program will be the return of a healthy anadromous fishery resource to the Redwood Creek watershed.

We first formally alluded to proposed actions to preserve and restore natural processes in the Redwood Creek watershed in the park's General Management Plan (approved April 1981) and its accompanying environmental impact statement. The latter was issued in August 1979. There was strong support voiced during a number of the public workshops held during November 1979 for this particular element of the plan. I particularly recall several meetings, including one at Orick, where we were quizzed specifically and at length about restoration of the Redwood Creek embayment and the associated salmon and steelhead runs which had been abundant in Redwood Creek.

Thereafter, the park prepared a Watershed Rehabilitation Plan (April 1981) and its associated environmental documents which were subsequently distributed for public review and comment. Here again, the Watershed Rehabilitation Plan (p.30) cited the park's intent to initiate studies leading toward restoring the Redwood Creek embayment. The Resources Management Plan, another element of the General Management Plan, was completed in February 1982 and approved in July 1982. This document, too, proposed active management of the Redwood Creek estuary. Public review in June 1982 and resulting comments received by the park strongly supported active management for restoration and preservation of the Redwood Creek watershed, the embayment and associated fishery resources. Furthermore, in both the Third (1981) (p.12) and Fourth (1982) (p.11) Annual Reports to Congress on the status of implementation of the Redwood National Park Expansion Act of 1978, we reported

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on the status of studies and the initiation of preliminary management actions to experimentally regulate embayment water levels for the benefit of juvenile salmonids. It was pointed out that estuarine function greatly influences the productivity and success of a drainage basin to produce substantial numbers of anadromous fish.

The park began studies of the embayment about two years ago. These studies included water quality monitoring; numbers, kinds and the distribution of fish seasonally inhabiting the embayment; the abundance of fish food organisms; seasonal patterns of inundation; sediment movement and accumulation, and overall embayment morphology, etc. In addition, personal interviews of long time Orick residents were undertaken to learn about the effects of floods, fishing results of the recent past, land uses practices and land use changes in the vicinity of Orick and the Redwood Creek embayment. As a result of the interviews, we found that during the last 15 years a 70-80% decline in the chinook salmon fishery, a 60% decline in coho salmon and a 50% decline in the steelhead fishery, has occurred in Redwood Creek. As you know, Redwood Creek was well known for its salmon runs and it was not uncommon to catch a fifty-pound king salmon. People came long distances to enjoy the outstanding fishing at Redwood Creek. Historical photos acquired showed people fishing from row boats, and occasionally from motor boats in the roughly 70 acre embayment, which was reported to be much deeper in many places than it is today.

A variety of readily identifiable factors have contributed in some measure to the recent decline of the Redwood Creek salmon fishery. The loss of fishery spawning and rearing habitat due to streambed sedimentation, channelization of the lower four miles of the creek, isolation of the North and South slough areas, loss of streamside vegetation and overfishing are major factors. Furthermore, dredging by local ranchers to drain the embayment and nearby wetlands, the latter being drained for agricultural purposes, e.g., hay fields, other crops or for pasture, has evinced a significant impact on the creek's fishery resources. Investigations have revealed that downstream migrating juvenile salmon which spend less than three months in an embayment prior to entering the sea seldom return to spawn. Juvenile steelhead also spend time growing in the embayment environment.

In July 1980, dredging of a channel to drain the embayment flushed approximately 20,000 juvenile salmonids out to sea before nature intended and had them ready for the transition. Similarly, dredging to drain the embayment too early in the fall, when stream flows are too low, leaves upstream migrants stranded in too shallow water where they become easy prey for predators or unscrupulous fishermen.

The sport and commercial salmon fishery of the Pacific coast region has an enormous economic importance. Sport fishermen travel from all over the United States to the Pacific coast states to fish for salmon and steelhead. Commercial salmon fishery products are distributed across the nation in interstate commerce. As a result, the Pacific salmon fishery is a resource of national importance, interest and concern.

In view of this background, I believe it is incumbent upon the people of the Pacific states, including Californians, to utilize, manage and protect this valuable national fishery resource in a conservative and effective manner.

Likewise, where salmonid fishery resources are found within watersheds of national parks, management for the preservation of native fishery stocks must be incorporated into overall management for the preservation of park resources. In regard to the dredging to drain the Redwood Creek embayment, which was incorporated within the boundaries of Redwood National Park in 1968, such activities were most certainly inappropriate and should have been challenged before this late date.

On May 26, 1982, "local ranchers," including your father, Mr. Albert Zuber, were stopped from dredging a channel to drain the embayment. This dredging was undertaken unlawfully on park lands, without permission being granted by the National Park Service and without the benefit of other necessary and appropriate permits. Park staff, along with California Department of Fish and Game representatives, met with Albert Zuber and others May 27 to discuss our plans to experimentally regulate water levels in the embayment. We were told that fields recently planted to oats, following a number of years without cultivation, were being flooded. Park staff agreed to undertake planned experiments which would regulate water levels to reasonably avoid field flooding, while at the same time maintaining Redwood Creek embayment levels sufficiently high to provide suitable habitat for downstream migrating juvenile salmonids. By the first week of July, fish sampling showed 17,000 juvenile king salmon and 18,000 young steelhead in the embayment. Sampling on July 21 and 22 showed 11,000 juvenile king salmon and 18,000 steelhead. The decline in numbers of king salmon was attributed to water levels being lowered too much during experimental manipulation.

Regarding discussions with Mr. Zuber and others, between May 27 and this date, regarding purposes of water level regulation, the status of water levels when water was in the oat field, when and where channels should be located, what was likely to happen given certain tides, wave action, rainfall, etc., park staff consulted with the interested parties not less than 16 times. Furthermore, there were a number of telephone calls and discussions which we did not formally note. Two of these personal discussions ranged over all the park's purposes and actions, explaining our intentions in detail. Similarly, Mr. Zuber and other family members freely, openly and candidly expressed their views and concerns. In all honesty, we were left with the impression that lines of communication were unencumbered, friendly, candid, honest and without hostility. We feel this is as it should be and, with such a working atmosphere, a reasonable compromise or workable solution can be realized. During one of the discussions, park staff suggested various alternative ways for Mr. Zuber to proceed in dealing with the flooding of the oats. One alternative discussed was the filing of a tort claim for damage due to flooding which might be attributed to park management actions. In my view, however, there are certain risks taken by ranchers when they choose to plant crops in areas recognized as wetlands. Mr. Zuber readily admitted to removing rushes, a wetland indicator plant, in preparation for oat planting. A study of our file aerial photographs shows the extent of wetland made into oatfield where flooding has periodically occurred.

Park staff have closely monitored water levels in the embayment and, through the cooperation of Mr. Zuber and others, have remained well informed about water levels in the oat field.

From May 27 through July 17, 1982, the park opened a channel for lowering water levels on 13 occasions. Costs for this work, excluding salary and transportation costs for supervisors and monitoring staff, have been about \$2,500. On one occasion, the park contracted with a local rancher to excavate a channel using a small caterpillar tractor. As you know from being there, Albert, Larry and Sherri Zuber were there to oversee and participate during that Sunday, July 17, morning's work. Both Albert and Larry Zuber assisted in operating the cat.

In summary, I believe the park has acted in good faith regarding this resource management problem. Granted, it is a fledging attempt at proper management of a dramatically human modified and abused aquatic system. The final restoration and preservation of a naturally functioning system is a long term and, most likely, an extremely expensive endeavor. We will approach this restoration program in a systematic, well thought out and non-precipitous manner. We hope to enlist the understanding and support of Orick ranchers and others in this worthwhile program. The benefits of this program reach well beyond those which might accrue within the Orick valley. I am optimistic, considering the cooperative attitudes displayed by affected Orick ranchers so far, that an amiable solution to any of the obvious conflicts that have arisen can be achieved. In that light, we will be happy to meet with you to discuss these matters further.

Sincerely,

Robert D. Barbee
Superintendent

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July 16, 1982

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for license

Mr. Bob Barbee, Superintendent
Redwood National Park
Crescent City, Calif. 95531

Dear Mr. Barbee:

It has been brought to my attention that the management of the Redwood National Park in the vicinity of the mouth of Redwood Creek (Orick) has created a major problem to adjoining property owners.

Due to the natural conditions, the mouth of Redwood Creek closes, preventing the river from draining into the ocean. The river becomes dammed. It has been a tradition of the local ranchers in Orick to open the mouth to prevent the nearby fields from being flooded and to maintain the fields at a constant elevation. Thus, the closure of the mouth of Redwood Creek in the past has been resolved by local residents.

However, due to the failure of the Redwood National Park management to adequately and properly handle the closure of Redwood Creek this year, which previously had been a minor inconvenience to the local ranchers, a major problem has been created by the Redwood National Park. During the past few months the mouth of Redwood Creek has closed several times. The adjacent landowners, mostly ranchers, have made numerous attempts to have the mouth opened in order to protect their property from flooding. However, the Redwood National Park has continually failed to listen to and consider the concerns of the property owners and has repeatedly failed to properly handle the problem. No attempts have been made to discuss with the local residents how the problem should be handled or how it has been resolved in the past.

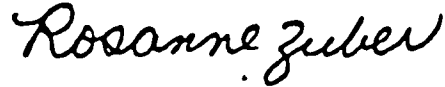
Several promises have been made by Redwood National Park personnel to the local ranchers that they would keep Redwood Creek open. However, the Redwood National Park has failed to comply with its agreement. Daily the adjoining

property owners have had to contact Redwood National Park personnel and advise them that the mouth was closed and request that they comply with their promise to keep the river open. Park personnel constantly delayed any action to the detriment of the ranchers and adjoining property owners. Apparently, the promises made by the Redwood National Park are empty promises made merely to pacify the ranchers and made without any intention of being fulfilled.

Consequently, Redwood Creek has remained closed for a longer than normal period causing the adjacent land to be flooded resulting in substantial damage to crops and real property. The damage sustained by the adjacent property owners has been the direct consequence of the Redwood National Park's management of the land within the Redwood National Park and the mouth of Redwood Creek.

Therefore, it is the intent of the landholders to hold the Redwood National Park and the Federal Government directly responsible for the damage and loss incurred.

Sincerely,



ROSANNE M. ZUBER
Attorney at Law

RMZ/gz

cc
Sec'ty Interior James Watt
Congressman Don Clausen